

# Law Enforcement News

Vol. XXVI, No. 541

A publication of John Jay College of Criminal Justice/CUNY

October 15, 2000

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## Detectives may be an endangered species for one Iowa department

Although the Cedar Rapids, Iowa, City Council in September decided to await further study before taking action on a proposal calling for the structural reorganization of the local police department, law enforcement officials said they will still be moving forward with the portion of the plan that calls for the elimination of the agency's detective rank.

The proposal, which would reduce the number of ranked officers, is in keeping with the department's community policing philosophy, said Public Safety Commissioner David Zahn, who presented it to the council.

The agency suffered from what some saw as too many chiefs, not enough Indians, he told Law Enforcement News. Under his plan, developed in conjunction with Chief Michael Klappholz, there would be only the chief and a deputy chief, six captains, 12 lieutenants, approximately 20 sergeants and the rest patrol officers on the 197-member force.

Those who are already hold the civil service rank of detective would remain at that level with the same pay, but no other officers would follow them into that rank. Indeed, the department has not promoted anyone to detective in at

least five years, said Capt. Glen Fox. Instead, he told LEN, officers go through a selection process where they apply for a spot in the unit, get a commander's recommendation and are then interviewed by a functional management team. If they are chosen to come into the detective bureau, they receive the same training as the ranked detectives — interviewing and interrogation, basic crime-scene work and basic investigations.

Currently, 16 detectives and 13 investigators are assigned to the unit.

Under Zahn's plan, investigators would be patrol officers who rotate into

the division as they would any other specialty, such as narcotics or aviation. "What it is is a plainclothes investigator," Zahn said. "It's a trend that's going across the nation — taking officers out of uniform and putting them in plainclothes." The officers would remain in the investigative unit for several months to a year, gaining experience they would then take back with them into the field.

Moreover, eliminating the rank will save the city some money. A detective earns \$48,131 annually, but the pay scale for an officer ranges from \$28,444

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## How do you rate?

The secret to measuring a department's "culture of integrity"

By analyzing the responses of individual police officers to a series of hypothetical questions about integrity, the seriousness of certain acts of misconduct and the appropriate punishment for such transgressions, researchers believe they have found a quantitative method that allows law enforcement executives to assess their agency's level of resistance to corruption and how it compares to other departments.

The study, funded by the National Institute of Justice, surveyed some 3,235 officers from 30 police departments across the country. Asked to examine 11 common scenarios of police misconduct (see sidebar, Page 6), respondents found some types to be significantly less serious than others. Researchers also found that the more serious a transgression was perceived to be, the more willing officers were to report a colleague and to believe severe discipline appropriate.

A majority of respondents, however, said they would not report a fellow officer for accepting free gifts, meals or discounts, or for having a minor traffic accident while under the influence of alcohol, acts they believed to be less consequential than stealing from a found wallet or a burglary scene. That type of behavior, said

officers, deserved stern disciplinary action, if not dismissal.

"There are differences, but generally speaking, in departments with a very strong environment of integrity, there's a willingness to discipline even low-level misconduct," said Carl B. Klockars, a professor at the University of Delaware who led the study. "There's a belief by the officers that it's serious and shouldn't be tolerated."

One of the most important indicators of integrity, he told Law Enforcement News, is the willingness of officers to report abuses. "In the worst departments, not one of those scenarios, would be reported by the majority of police officers," said Klockars. "That includes theft from crime scenes, excessive force, the whole business."

Contrary to the theory that explains police corruption as a lack of ethics on the part of individual officers — the "few bad apples" approach — "The Measurement of Police Integrity" study is based on the premise that organizational and occupational culture can create an atmosphere in which corruption is not tolerated. Although the influence of leadership is explored in research that has not yet been

released, said Klockars, an agency's chief and top administrators have a "direct obligation" to create such an environment.

Researchers conceded that the report had several built-in biases, such as the overrepresentation of municipal departments in the Northeast, and its reliance on the opinions of patrol officers. In addition, more than half the participating departments had over 500 sworn members.

The survey questions were designed to indicate whether the officers knew the rules governing misconduct; how strongly they supported those guidelines; if they knew the disciplinary penalties for breaking those rules and whether they believed them fair; and whether they were willing to report misconduct. Klockars said that developing an atmosphere in which these queries can be answered affirmatively is the responsibility of police leadership.

"That's in direct contrast to traditional views which saw corruption as a problem of defective individual officers," he told LEN.

The premise also aided researchers by enabling them to ask questions concerning "fact

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## Police are covering their assets, but school officials aren't buying

Although it has yet to be signed by Gov. Gray Davis, a bill calling for the reform of California's asset-forfeiture laws has caught the interest of lawmakers in North Carolina, Kansas and Missouri, who are complaining that money they believe should be going to school districts is winding up with police agencies due to the circumvention of state laws.

According to state Senator Frank Ballance, a Democrat from Warren, N.C., law enforcement officials are taking cases to federal court, where the rule is that 80 percent of assets seized from drug busts and other operations is returned to police. Under the state's constitution, such proceeds would be going to local schools.

"That's a constitutional violation," he told The Durham Herald-Sun. "I've been telling the [state] school board lawyers they're derelict in their duty. Somebody should have brought a lawsuit a long time ago."

During the fiscal years 1986 to 1995, federal officials sent back some \$42 million to North Carolina police agencies, according to The Charlotte Observer. Last year alone, on the other hand, state courts funneled \$47 million back to schools from traffic citations, forfeited bail bonds and the sale of drunk drivers' impounded cars, education officials claim police are keeping money earmarked for education.

Said state Representative Dan Blue (D.-Wake): "The North Carolina con-

stitution is the will of the people of North Carolina. If the constitution says it ought to go to the schools, then that's where it ought to go."

But law enforcement officials in the Tar Heel State — as in California — claim they have earned the money and have a right to keep it. Moreover, state courts and prosecutors, they said, are too overwhelmed with violent crime to handle civil forfeiture.

"I don't think there's a person in Mecklenburg County (N.C.) who would want us to tie up a judge and a district attorney to handle a forfeiture case," said Charlotte-Mecklenburg police Major Tom Barnes.

The Charlotte-Mecklenburg Police Department has taken in \$2.9 million

within three fiscal years due to the efforts of its three-person asset-forfeiture section. That money has in turn been used to leverage federal matching grants.

Prompting the call for regulation has been the California bill, which passed by just two votes in September. While softened as it made its way through the state legislature, the proposal would require a judge rather than a law enforcement agency to decide when drug money should be turned over to the federal government; define the point at which property is actually seized; order police to follow state, rather than federal, law when seizing property, even if deputized by a federal agency, and allow the state attorney general to sue law enforcement agencies if they violate the law.

Among the provisions that caused the greatest uproar within the state's law enforcement community was one which has since been dropped, which would have attached a criminal penalty to police agencies that evaded the law.

"Here we're having police officers who are doing their job and doing what they're told to do, and they would potentially be criminals," said Tim Yarian, a lawyer representing rank-and-file officers in Southern California. "That's horrible."

While there has been speculation by lawmakers and lobbyists that Davis, considered a friend to law enforcement, would ultimately veto the bill, legislators in other states still contend it will have a major effect. Not only will it show that such regulation is possible

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# Around the Nation

## Northeast



**CONNECTICUT** — State troopers Juan A. Moldanado and Jeffrey Norkus have been disciplined for firing 23 bullets at a moving car. On June 17, the officers spotted a vehicle that fit the description of a car involved in a Waterbury kidnapping. They followed the car into a condominium complex where they ordered the three teenage occupants to get out. The driver backed up and the officers, fearing that the car was going to strike them, fired 23 shots. An internal affairs investigation led to a decision to not prosecute, but Moldanado and Norkus were suspended for 60 and 45 days, respectively. No one was injured in the incident.

**DISTRICT OF COLUMBIA** — More than 6,400 cars were stolen in the district last year, according to The Washington Times. Many of the stolen cars ended up in chop shops operating in the city, while others were shipped out of the country from Baltimore Harbor.

The U. S. Department of Justice has awarded the city \$1.25 million to be used for increasing law enforcement and helping community groups provide more social services in high-crime neighborhoods. Some of the money will also go toward job retraining for ex-offenders.

Sgt. G. G. Neill Jr. has been elected chairman of the local Fraternal Order of Police. Neill beat incumbent president Detective Frank Tracy, to whom he had lost in a 1997 election. He said the membership didn't feel Tracy was standing up to Chief Charles H. Ramsey. Neill, who was involved in an on-duty fatal shooting five years ago, believes the incident strengthened his understanding of how police officers can be affected by violent incidents.

**MAINE** — Because of the high demand for background checks on teachers, the state police have told schools that they should no longer send them fingerprints of substitute teachers. Brunswick School Superintendent James Ashe plans to ask legislators to draft a bill that would allow local police departments to fingerprint educators.

**MARYLAND** — Baltimore police officer Brian Sewell has been suspended with pay following his arrest on charges of perjury and misconduct. Sewell allegedly charged a suspect with possession of crack cocaine that he himself had picked up in an unrelated case.

Top law enforcement officials in Baltimore have launched a Gun Stoppers program in which a \$200 bounty will be paid for any information leading to an arrest and gun seizure. Last year 242 of the 309 homicides in the city were committed with guns.

The Baltimore housing police have voted no confidence in Chief Hezekiah Bunch, after a memo became public in which Bunch proposed that the police force be cut in half through layoffs. Bunch claimed that fewer officers are needed due to budget cuts and the elimination of some public housing. Of-

fers say that money can be saved elsewhere and that the chief and other housing officials have wasted money on office furniture. The president of the 57-member housing police union, Officer Gregory Missouri, said that a work slowdown has been proposed. An independent review of the department and its management appears imminent.

Two teenage car thieves were arrested by Silver Spring police with the help of Dean Sarff, a member of a citizen's surveillance team that began as a pilot program in September. Citizen teams go with plainclothes officers to crime areas and try to detect trends and suspicious activity. Capt. Drew Tracy says that the citizens are not meant to do anything that might endanger themselves. Rather, they are to engage in surveillance, do background checks, write down license plate numbers and radio officers.

**MASSACHUSETTS** — Despite a record low crime rate last year, Boston police officers earned \$21.4 million in overtime in 1999, with more than 300 officers earning over \$100,000 in base salary. Adding to regular overtime costs were events like the Ryder Cup golf tournament and the Major League Baseball All-Star Game.

**NEW HAMPSHIRE** — An Alton man, Adam Jones, who was scheduled to plead guilty to sexually assaulting a 14-year-old girl, was killed during a police chase Sept. 20 when his vehicle crashed into a pole.

**NEW JERSEY** — South Bound Brook police Sgt. Thomas Daquino has been suspended without pay pending a hearing after allegedly trying to obtain an autograph from ex-major league baseball player Tim Raines. Daquino was on duty at the time. Borough officials declined to disclose the exact charges.

**NEW YORK** — Ronald Tortorella, a gunsmith and retired New York City police officer, died in a fire in his Amityville home on Sept. 19. Several thousand rounds of ammunition were found at the home of the gun collector but an explosion heard by a neighbor is believed to be a result of the fire, rather than its cause. Although arson is not suspected, the fire is still under investigation by Suffolk County police.

The New York City Police Department's Operation Condor has been reinstated after a 10-day suspension, while Police Commissioner Bernard Kerik and other officials analyze the program's future. The controversial anti-crime initiative, started in response to a large increase in drug-related shootings and slayings, has cost nearly \$56 million over the past 10 months. City Councilman Sheldon Leffler, who chairs the Public Safety Committee, claims that the program has failed to cut the homicide rate and has resulted only in an increase in arrests for misdemeanor narcotics offenses.

**PENNSYLVANIA** — The trial of two white East Greenwich police officers charged with firing at five black teenagers began Sept. 26 in Gloucester County Superior Court. Prosecutors allege that officers Fred Grismondi and Steven Thayer fired shots from Thayer's truck at the teenagers on the night of April 4, 1998, in order to terrorize the young men. Attorneys for the

officers said that their clients do not deny firing the shots, but maintain that they never pointed the gun at anybody, there was no intent to injure, and there was no bias involved.

Convicted murderer Norman Johnston has been billed \$444,592 by the state for the cost of hunting him down after he escaped from state prison last year. Johnston, who is serving four life terms for killing four teenagers, was a fugitive for 18 days.

## Southeast



**ALABAMA** — Police chiefs in both Dathon and Montgomery are fighting calls for their resignation. In Dathon, Chief John White is accused of not investigating allegations of police brutality satisfactorily, while in Montgomery, Chief John Wilson is alleged to have been intoxicated at the time of an off-duty traffic accident on Aug. 31.

**ARKANSAS** — The Little Rock Police Department is awaiting approval from the City Council before launching "John TV" — a local-access cable television channel that would feature the names, photographs and details of men convicted of patronizing prostitutes and women convicted of prostitution.

While Capt. Charles Holladay believes the program will deter solicitation for prostitution, some city officials don't believe that this one crime should be singled out, and fear that the families of those arrested will be the ones who pay.

**FLORIDA** — The statewide police radio system will be privatized and taken over by Com-Net Ericsson. More than a decade after construction began, the system has cost the state over \$113 million and is only 40 percent complete.

The Florida Department of Law Enforcement has released figures showing a 4.6-percent drop in major crimes for the first half of the year compared to the same time period in 1999.

**GEORGIA** — Marietta Police Chief Bobby Moody has launched a community-based program, Marietta Strategically Targeting Areas Resources (M-STAR) in hopes of deterring crime in some of the city's hard-hit areas. The city's 10 police zones have been cut in half, with each of the five zone commanders placed in permanent assignments. Each zone will have town-hall meetings to facilitate dialogues between residents and police regarding crime and quality-of-life issues.

Griffin Police Officer Brad Richardson has been indicted in connection with a July 28 shooting that left a man severely brain-damaged. Richardson was knocked down by a car while he was interviewing pedestrians. When the driver, Efren Hernandez-Ayala, stopped his car and started apologizing, Richardson fired 12 rounds at the car, hitting Hernandez-Ayala in the head. A passenger was unharmed.

**LOUISIANA** — Three sisters who alleged that they were beaten by Alexandria police have been arrested and

charged with criminal mischief after a police investigation indicated that none of the girls was injured.

Some of the 248 positions due to be cut in the Public Safety and Corrections Department will be in the criminal background offices of the State Police, which is expected to result in longer delays for gambling licenses, handgun permits and background checks on new teachers.

**MISSISSIPPI** — The state set up a Web site — [www.sor.mdp.state.ms.us](http://www.sor.mdp.state.ms.us) — that lists the names and addresses of convicted sex offenders. Heavy traffic on the site the first day made it impossible for some people to log on.

**NORTH CAROLINA** — David Gerald Guarino, a student who called in a bomb threat to Cary High School in Raleigh earlier this year and then called the police saying "there would be another Columbine," has accepted a plea bargain carrying a sentence of 30 months probation. The executive director for the state's Center for the Prevention of School Violence, Pam Riley, hopes his case will deter other students. Guarino, 17, must also get his high school equivalency, perform 100 hours of community service, and is banned from school property unless he is accepted back as a student.

**ILLINOIS** — Richard Silvestri resigned as a Cumberland County sheriff's deputy on Oct. 5, one day after his captain advised him that an investigation was being conducted into possible unbecoming conduct. Silvestri, a cross-dresser, claims he resigned because he did not want to be a target of a witch-hunt. He also insisted that he did not bring his trans-gender lifestyle to work and that he wants his job back.

The Durham City Council is asking for regular updates on the movements of the city's \$125,000 mobile police substation. Critics believe the substation is not being used to its fullest potential in fighting crime, saying it has been used too often at parades, festivals and for other public relations events. Police Chief Theresa Chambers defends the officers' use of the substation as a way to bring the police to the community.

**SOUTH CAROLINA** — In a case that could expand victims' rights, the State Supreme Court will decide if victims can seek restitution and be entitled to notification of hearings and plea bargains in cases that are not tried.

The State Police crime lab has retested all its results from "questionable" work after one of its veteran civilian chemists, Todd Owen McDaniel, was found to have allegedly mailed a lab test report knowing it listed results for a test that was never performed. While McDaniel remains on paid leave, the shutdown has caused a back-up in drug investigations and no new case submissions are being accepted.

Crime in Berkeley County dropped by 10 percent from 1998 to 1999, with murders reaching their lowest level in 20 years. Sheriff Wayne Dewitt cited more officers and increased community awareness as reasons for the decline.

**VIRGINIA** — A re-audit of the Suffolk Police Department crime database showed considerable improvement over

its three previous failed audits. If a department continues to fail, it can be banned from entering data into the Virginia Criminal Information Network, which is used to track fugitives, missing people and stolen vehicles.

Having the police use the local streets on their patrols instead of the interstate highway that cuts through town is just one way that the police plan to increase their visibility in Portsmouth. Police Chief Leonard G. Cooke says the force is awaiting an analysis in November of things that they can change to boost police visibility. The move away from the interstate is coupled with an increase in bike patrols and traffic enforcement.

Suffolk police supervisors have formed a union to help them address some of the concerns they have about the way the department is being run. A union survey showed that many in the department are not satisfied with the way that Police Chief Jimmy L. Wilson is running the department and the supervisors claim that despite many meetings to discuss morale issues, nothing has been done to improve conditions.

## Midwest



**ILLINOIS** — A Chicago police officer, Pedro Mataerrazas II, pleaded guilty Oct. 6 to federal charges of conspiring to buy and sell cocaine and money laundering. He admitted to transporting over 10 loads of cocaine from Chicago to Nashville and then returning with up to \$1 million in drug money. He will be sentenced on Jan. 3.

LeRoy Mayor Bob Rice has vetoed a City Council vote to effectively oust Police Chief Ron Kilman. Rice was absent from the Sept. 18 meeting at which the council voted to suspend Kilman with pay for the remainder of his contract, which runs through April 2001. Kilman claims that the attempt to remove him was in response to his request for the State Police to investigate two complaints involving council members, including one alleging that a councilman sexually harassed male officers by touching them and making sexual overtures. The council could override the veto at its scheduled Oct. 16 meeting.

A Bloomington man was shot by police after they tried to issue him a misdemeanor citation for urinating in public. Michael Davis, who ran from the police and then began fighting, was later treated and released when a bullet grazed his right side. Davis will likely be charged with aggravated battery.

**INDIANA** — Officer William Toney of the Beech Grove Police Department was shot and killed in the line of duty Sept. 29, one week before his 32nd birthday. Two men are in custody in connection with the shooting. The alleged trigger man, Benjamin Ritchie, claims that the pistol fired when he dropped it while fleeing. Witnesses have reported hearing anywhere from three to five shots, at least one of which came from the officer's gun. Toney is the third member of the 28-officer force to die while on duty, and the first to die of gunshot wounds. The other two died in car crashes.

# Around the Nation

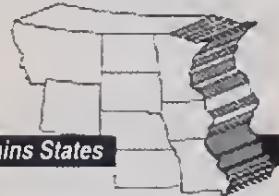
Alzheimer's disease sufferers in Allen County can participate in a new identification program that will allow caregivers to register them in a police database with digital photographs and detailed descriptions. The program, which is free of charge, will enable police to call up information on the laptops in their squad cars.

Indiana has been targeted by Federal authorities as a "source state" for firearms because of less restrictive gun laws that require police to issue permits to any residents who do not have felony convictions or mental health problems. Traces done on guns from the streets of Chicago show that Indiana is one of its chief suppliers of guns.

**MICHIGAN** — An Internet crimes task force in Wayne County has arrested 26 people in the past two years — 24 for sex-related crimes involving children and two for identity theft. Sheriff Robert Ficano reported that despite the existence of the task force and the highly publicized arrests, the number of people committing on-line crimes has not decreased.

**OHIO** — Members of the Cleveland City Council are complaining of a disparity in police staffing, citing District 6 in particular as having the least protection of any other area although it is not the lowest in crime in the city. Police Chief Martin Flask defended his staffing strategies, claiming that factors like number of calls to police and time spent on arrests were all taken into account. Bob Beck, the president of the Cleveland Patrolmen's Association, blamed the disparity on the city's attrition rate, which does not affect districts equally, and on the failure to hire enough officers.

Patrick E. Barr, a veteran Columbus homicide detective, was arrested Oct. 3 for violating a temporary restraining order made against him by one of two women he had allegedly stalked. Since the stalking complaints, he has been on desk duty pending investigation. The arrest called for an even more restrictive duty, and a new police investigation has begun.



**IOWA** — An investigation conducted by 13 Iowa newspapers has learned that information about crime statistics and police reports is routinely withheld from citizens despite state laws. Newspaper employees were sent to all 99 counties to request documents and were denied access from over half of the sheriff's departments and 42 percent of the police departments.

A jury has agreed with the claim of 92 higher-ranked state patrol officers who said they were cheated out of \$140,000 in meal expenses. The state had argued that since they were supervisors and managers and not troopers, they were not entitled to the meal money.

**KANSAS** — The Fraternal Order of Police in Shawnee is not giving up its fight for recognition even after the City Council voted not to allow unions in any of its city departments. The FOP

members allege that there have been unfair promotional procedures and that the department does not make and follow policies on such matters as special assignments, scheduling and discipline. City officials feel that collective bargaining could diminish the authority of the police command staff and create another level of bureaucracy.

**MINNESOTA** — State Public Safety Commissioner Charlie Weaver is making budget cuts that include canceling a state trooper training school, because there is not enough state funding. He also blames unexpected expenses such as providing security for presidential and vice presidential visits.

Comdr. Tom Smith of the St. Paul police was suspended for three days this month for writing a memo that called for a minimum quota of 200 traffic tickets from each of his officers. Despite the suspension, the president of the St. Paul Police Federation, Brad Jacobsen, said that the union would still file a suit to bar a quota system. The issue has been a problem with the department in the past. In a report last year, a dozen officers accused the department of having a quota system.

The state Supreme Court ruled Oct. 12 that special deputies to the Hennepin County Sheriff's water patrol on Lake Minnetonka, who are permitted to make citizen arrests, may not conduct sobriety tests. The sheriff's department uses the special deputies to do most of the watercraft enforcement on the lake.

**MISSOURI** — An incident in which a man shot eight times at plainclothes police officers in Kansas City on Oct. 10 marks another incident in what is becoming a common occurrence — police officers as targets of gunfire. The most recent statistics available showed that in the first five months of 2000, there were 15 such incidents. There were 43 in all of 1999. No one was hurt in the latest attack.

The Lee's Summit Police Department has proposed to the city's Finance and Personnel Committee that it be allowed to spend \$1.2 million to upgrade technology. Of this, \$200,000 in grant money would be used for computers in patrol cars and \$1 million left over from the construction of the new police and courts building could be used to replace the 12-year-old computers in the police station. Police Chief Ken Conlee would like to explore high-end options that could accommodate a system that could display photos and have vehicle-locating and map features.



**ARIZONA** — Frank Monte Banashley Sr. of Whiteriver was sentenced Oct. 2 to 42 years in prison for the murder of a White Mountain Apache Tribal police officer. Banashley's son, Frank Jr., pleaded guilty to accessory after the fact and was sentenced to 9 years and fined \$3,300. On Dec. 9, Officer Tenny Gatewood Jr. attempted to arrest the two men for breaking into a store and shot the elder Banashley in the shoulder for resisting. Banashley's son then got out

of the car and wrestled Gatewood to the ground. Banashley Sr. beat the officer with a rock and then picked up the officer's gun and shot him in the back of the head.

**OKLAHOMA** — Tulsa police detectives have made visits to local bookstores and made suggestions to store managers about shrink-wrapping pornographic materials and otherwise making them less accessible to children. Responding to an inquiry from City Councilor Todd Huston to Sgt. Pat Calhoun of the department's sex crimes unit, a group of officers split into teams and canvassed the local bookstores targeting mostly gay and lesbian materials and sexual how-to books. Managers were given a copy of an Oklahoma statute that concerns materials considered harmful to minors. Deputy Chief Dave Been said that the officers just made suggestions to bookstore managers and do not want to be the "morality police."

**TEXAS** — To kick off the observance of Domestic Violence Awareness Month in October, San Antonio residents are being asked to donate new or used cell phones for a new program aimed at helping victims of domestic violence. The "Call to Protect" program, run by the San Antonio Police Department, the Bexar County district attorney's office and other public and private sponsors, was devised to provide victims with a way to reach help in an emergency. The phones will be refurbished and provided with free emergency phone time.

Border Patrol officers in Brownsville twice pulled over U. S. District Judge Filemon Vela recently as he was traveling to court. That close to the river, border officers have the right to pull over people for "reasonable suspicion" rather than "reasonable cause." When the officers were asked why they stopped Vela, one responded that there were too many people in the car, and the other said that the car had tinted windows. Vela's experiences have prompted Border Patrol officials to schedule new training for officers.

Former Houston police officer Cedric Rodgers has been sentenced to 41 months in federal prison and fined \$7,500 for violating a person's right to be free of unreasonable seizure and depriving him of personal property without due process. Prosecutors said that Rodgers pulled over a vehicle after receiving a tip that it contained \$30,000 for a drug buy. At gunpoint, he confiscated the cash and threw it in his unmarked police car. Other officers arrived on the scene at that point.

El Paso Assistant Police Chief George De Angelis and Deputy Chief Cerio Martinez were indicted Oct. 6 for aggravated perjury. They are accused of lying to a grand jury during an investigation into how certain police documents concerning another officer's alleged ties to drug traffickers got to the media. Assistant City Attorney Stephanie Osburn had tape-recorded conversations with De Angelis and Martinez that contradicted their grand jury testimony. If convicted, the officers could be sentenced to up to 10 years in prison.

A statistical analysis published in The Dallas Morning News on Oct. 4 showed

that black drivers are more likely than white drivers to get ticketed in many of the state's rural counties. Statewide, blacks received about the same proportion of tickets to white drivers. The head of the Texas Department of Public Safety, James Francis, said that the statistics are flawed because they compare ticketed drivers to the racial makeup of each county and do not take into account the number of drivers that might be from another place.



**CALIFORNIA** — The Moorpark City Council met Oct. 4 to decide how to spend an unexpected increase in a state grant for the police budget. Expecting at least \$100,000, up from \$50,000 to \$65,000 in the past, the city staff has recommended that the money be used to continue paying for the police department's administrative assistant, to fund the high school resource officer program at Moorpark High School, and to provide a vehicle for the high school resource officer.

A new audit by the San Francisco controller's office contends that the city Adult Probation Department is doing such a poor job that it may be costing the city \$360,000 a year in lost restitution due to flawed accounting. The audit also disclosed that the department does not know the number of offenders it is supervising and that 43 of 76 probationers convicted of drug, arson and sex offenses were not registered with the police department—the latter in violation of the state's Megan's Law. The head of the probation department, Armando Cervantes, disputed many of the audit's findings, claiming that the sample of cases cited in the study was not statistically valid.

The Superior Court will create a judicial committee to oversee the department.

Former Los Angeles police officer John Francois was awarded \$5.3 million for racial discrimination that he claims he suffered while serving as the first black member of the police department's bomb squad. After working on the bomb squad for a year, where he said he was often called "boy" and not given a bulletproof vest that fit, he took a leave of absence to have surgery on a brain tumor. He was not taken back on the squad.

**HAWAII** — In the wake of a promotion-rigging scandal in the Hawaii County Police Department, critics are urging that the successor to Chief Wayne Carvalho, who is retiring, come from outside the department. The scandal, which took place under a previous chief, resulted in a jury award of \$4.2 million to 19 former and current police officers in a civil trial.

**NEVADA** — By a 5-2 vote, a seven-member inquest jury has concluded that North Las Vegas officer Travis Snyder was justified in the shooting death of Ernest Williams Jr. on Sept. 5. Snyder testified that Williams tried to run him over during a traffic stop.

**WASHINGTON** — The motivation was a good one — trying to control al-

cohol abuse on Indian lands — but the Yakama Nation's ban on liquor sales on the reservation has instead incurred the wrath of the state attorney general's office, in the form of a lawsuit contending that the Nation can not legally impose its ban on alcohol sales on the 20,000 nontribal members who live on the reservation. The owners of 47 privately owned businesses that sell alcohol, including taverns and convenience stores, could lose their livelihoods as well as their investments under the ban.

The Redmond Police Department is asking for \$50,000 which, combined with an additional \$50,000 from last year's budget, would be used to install dashboard-mounted video cameras in 13 of its 27 patrol cars.

The decision to pull full-time police officers from Seattle high schools in certain districts has caused concern among parents, especially in light of a recent assault on a student on school grounds. School administrators, who had become concerned when they learned that there was a higher level of policing in districts with large minority concentrations, ended the full-time police presence and asked them to go back to a part-time mode as part of "school-emphasis teams."

A special prosecutor has cleared reserve police officer Angelina Cavebaugh but is still investigating Chief Dave Boyer, Sgt. Steve Kazda and Cpl. Randy Forcier of the Ponca City Police Department on charges of failure to report child abuse. Photos allegedly showing a Ponca City man, Shane Kellberg, having sex with a 13-year-old boy were turned over to police but no arrest was made until eight days later, when the alleged victim's mother contacted the sheriff's office. [See also LEN, July/August 2000.]

The City of Seattle is facing another lawsuit over arrests made during the 1999 World Trade Organization protests. The class-action case filed on behalf of about 600 people who were arrested accuses Mayor Paul Schell and police officials of violating the Constitution in declaring a "no-protest zone" in a large downtown area. City officials have defended the action as a response to looting and vandalism in earlier protests. Since the protests last fall, there have been more than 60 claims filed by protesters accusing the city of civil rights abuses.

The Spokane Police Department and the Spokane County Sheriff's Office are reportedly having trouble keeping pace with property crime investigations because detectives are investigating cases that are not property related. According to FBI figures, there were 8,681 property crimes in the county in 1999, down from 9,659 in 1998, but the number actually assigned to detectives dropped even more sharply. Meanwhile, crimes against people are up and when major cases evolve, property detectives are often called upon to help with the caseload.

The Federal Way municipal court is cleaning up prostitution with SOAP, by enforcing an amendment in its criminal code that imposes "Stay Out of Areas of Prostitution" (SOAP) orders as pretrial release conditions. Violators face arrest if they go within 1,000 feet of the city's high-risk prostitution area.

# People & Places

## Who was that guy?

Was Worcester, Mass., Police Chief Edward P. Gardella the conservative whose refusal to release unedited internal affairs reports angered civil rights advocates, or the liberal whose marching at gay rights parades so embarrassed members of his department? The answer is probably both, making for one of the more complicated legacies to be left by a police executive.

Gardella, 60, retired on Sept. 2 after 31 years on the force — nine of those at the top. He leaves behind him a department that is currently on the best terms it has perhaps ever been on with the county's American Civil Liberties Union chapter, as well as with the community.

"He's probably been out there and accessible to the public more than anyone before," said Edith L. Morgan, president of the Brittan Square Neighborhood Association. "I think he's done a lot for the city," she told The Worcester Telegram & Gazette.

Unlike his predecessors, Gardella reached out to the ACLU, often inviting civil rights attorneys to address police training classes, said the chapter's executive director, Ronald C. Madnick. In 1992, he called the group and asked to meet with representatives after it issued a report critical of such police procedures as tightening handcuffs. "I was satisfied with his response," Madnick told The Telegram & Gazette.

But while Gardella was considered open and progressive by the ACLU, praised for marching with gay rights groups, among others, Madnick noted with disapproval the department's

policy under Gardella of denying public access to reports on investigations.

Community groups also found themselves frustrated by the specialized squads and programs such as the gang unit and DARE, which limited the number of officers available for uniform duty, despite the department's embrace of community policing.

Gardella began his career as a patrol officer in 1969, and later led units that were responsible for the capture of a man wanted for 13 sexual assaults and one accused of a hit-and-run involving a police officer. He was named chief in December 1991.

He was only in his second year as chief when his tenure was marred by controversy surrounding the death of a Salvadoran immigrant from injuries suffered during efforts by officers to subdue him. While some alleged that indifference to minorities was a factor in the 1993 death of Cristina Hernandez, Gardella defended his officers.

"I'm certain if the officers had realized he was hurt that much, they would have done whatever they could to change the situation," he told The Telegram & Gazette. "I'm sure they are going to live with this for the rest of their lives."

Last March, Gardella was disciplined by City Manager Thomas R. Hoover after Capt. Gary J. Gemme, head of the union representing supervisory officers, complained that the chief sexually harassed him by putting his hand in Gemme's front trouser pocket while in public.

Gardella, who denied the allegation, said his decision to leave the department had nothing to do with Hoover's reprimand. Had he felt it unfair, he said, he would have left then. "He assured me that I was welcome for as long as I wanted to stay," said Gardella.

## Into the fire

For Rick Mosquera, the new special agent in charge of the FBI's Houston field office, coming to Texas from an assignment in Baltimore could be described as jumping from the frying pan into the fire.

"The crime problem in Baltimore is as bad as it was 25 years ago," the 48-year-old agent told The Houston Chronicle. "Ten percent of the population — about 60,000 — are thought to be addicted to heroin. It has the second-highest murder rate in the nation."

But Houston has become one of the country's biggest entry points for narcotics, especially cocaine. More than 100 agents and "quite a few task-force personnel" will be assigned to the drug-war effort in that city, said Mosquera, who assumed command in September.

A Baltimore police officer for five years before joining the FBI, Mosquera gained recognition during the 1980s as squad leader of Operation White Mare, among the bureau's most successful strikes against the Asian heroin trade. During a two-year investigation, more than 75 drug traffickers were convicted, he told The Houston Chronicle, and tires containing 900 pounds of heroin were confiscated.

However, the impact on the drug trade turned out to be negligible, explained Mosquera. "As a society," he said, "we just weren't very passionate about this issue." Questioning whether law enforcement can do it alone, Mosquera said he is convinced that educational efforts like those launched against smoking and drunken driving need to be directed at the problem.

On the road to Houston, Mosquera has been assigned to field offices in Alexandria, Va., where he worked investigations of bank robbers, fugitives and kidnappers, and then New York City, his hometown. It was there that he directed the 15 agents and 15 local police investigators assigned to Operation White Mare. "This was a period I had the most growth as an agent," he said of his 10 years with the New York office.

With each new city, Mosquera noted, the priorities shifted. In Pittsburgh, where he was assigned following postings in Charlotte, N.C., and Washington, D.C., agents concentrated on white-collar and computer crime. In Baltimore, the top priority was drugs.

As chief of the bureau's field office in Houston, Mosquera will oversee 288 agents throughout the Texas Gulf Coast region. "He's very highly regarded by his peers," said Phillip Armand, a retired special agent who worked with Mosquera in New York. While he is the "epitome" of what special agent in charge should be, said Armand, there is another side to Mosquera. "He has compassion for his employees," he said. "When they're in a time of need or having personal problems, he's there for them."

Second Circuit in New York upheld the ruling of a Federal judge who said that New London had applied the same standards to everyone who took the test. Jordan had not been discriminated against because of his high test score, the court concluded.

New London police officials only interviewed candidates who scored within the 20- to 27-point range based on the belief that those who score higher will soon become bored with police work and leave the force after a costly training period. Scores within that range indicate an IQ of 104, or what would be expected of a general office worker, bank teller or salesperson.

Jordan scored 33 on the exam, the same as would be expected of a chemist, electrical engineer, administrator or computer programmer. "This kind of puts an official face on discrimination in America against people of a certain class," he told The Associated Press. "I maintain you have no more control over your basic intelligence than your eye color or your gender or anything else."

Jordan, who has worked as a prison guard since he took the New London police test, said he has no plans for any further legal action.

## Rising rising

Sue Riseling, chief of the University of Wisconsin-Madison Police Department, was recently elected third vice president of the Wisconsin Chiefs of Police Association. Based on the association's policy of automatic promotion to the presidency, in 2003 Riseling will become not only its 70th president, but the first woman and the first university police chief to head the group.

Being first isn't new to Riseling, who was named police chief at the university's main campus in 1991, when she was just 30 years old. The university is the fifth largest in the country; and at the time of her appointment Riseling was the first female chief of a Big Ten university. A football stadium tragedy shortly after her arrival forced her to become an expert on crowd management, a topic she now lectures on frequently.

Prior to going to Madison, she was deputy chief-associate director of the police department at the State University of New York at Stony Brook. Her career began at the University of Maryland-College Park.

Riseling served as chair of the College and University Police Section of the International Association of Chiefs of Police (IACP) and is currently on the IACP's executive committee. She is a founding member and past president of the National Association of Women Law Enforcement Executives (NAWLEE). Her election by the Wisconsin chiefs' group capped a busy summer; she had just finished hosting the NAWLEE annual conference in Madison.

Also elected by the Wisconsin chiefs' association was Chief Hans Lux Jr., of the Eagle Police Department, who is its new president; Appleton Police Chief Richard Myers, who was named first vice president; and Chief Steven Rinzel of the Brown Deer Police Department, who was named second vice president.

## Now you see them, now you don't

Stricken by a rare muscular disorder, Wrightsville, N.C., Police Chief Joe Noble left law enforcement — at least temporarily — in September to give himself a chance to heal.

Noble, a 26-year veteran of the force, began experiencing tics, muscle tremors and profuse sweating last year. Although he hoped to be able to hold on until regular retirement, his symptoms worsened and Noble applied for a medical retirement last month.

"The doctors feel I need to focus on getting well and pacing myself," he told The Wilmington Star. "My wife has been asking me to do that.... It's just difficult trying to take care of yourself and then give 100 percent to your job."

Noble suffers from neuromyotonia, an auto-immune disease that occurs in an estimated one in a million people. According to Johnathan Katz, an assistant professor of neurology at Stanford University, most patients with symptoms like Noble's do not worsen over time. While the recoveries are not great, he told The Star, neuromyotonia is treatable.

Before becoming ill, Noble said he had planned to run for sheriff in Pender County. He has not ruled

out seeking political office in the future, he said.

Elsewhere around the nation, a changing of the guard was in order for a number of law enforcement agencies:

In Parma, Ohio, Mark Manning, a 46-year-old captain, replaced Chief Gary Palinkas in September. A 1997 graduate of the Northwestern University Traffic Institute's School of Police Staff and Command, Manning described his management style as "democratic" and goal oriented, while others called him laid-back and low key. He intends to continue the computerization of the agency and move toward increasing the numbers of sworn personnel from 104 to 112. The man he succeeded, Palinkas, 52, said he decided to leave police work to spend more time with his family. A former motorcycle officer and member of the SWAT unit, Palinkas is credited by city officials with making communication between the police department and other agencies, such as the fire department, possible.

In Zebulon, N.C., officials appointed 34-year-old Tim Hayworth as police chief last month. A former sergeant with the Fayetteville police before spending eight months as chief in Lillington, Hayworth worked on dozens of

homicides, an abortion clinic bombing and a highly-publicized racial killing at Fort Bragg in 1995. Zebulon has its share of drug activity and thefts, but former Chief Donna Waters told The Raleigh News & Observer that her successor is less likely to run into that kind of violent crime at his new post. During her two years on the job, Waters said she never had to investigate a killing, but she did have to deal with calls about loose farm animals more than once.

After three years as chief, Ely Barkett said he would retire from the Warren, R.I., Police Department on Nov. 27 to spend more time with his family. Barkett, 55, was named to the position in 1997 after 25 years on the force.

Made chief of his hometown of Winchester, N.H., after just three years as a patrol officer, Jim Harrison, 47, is retiring in September after more than 20 years in the top spot. Harrison, whose easy-going style of policing included never wearing a uniform as chief, is credited with bringing about better relations with the community's teenage population and reducing the town's alcohol-related traffic deaths.

Complaints from employees about gender and sexual banter at the Virginia Tech University Police Department are believed to have led

to the retirement of Police Chief Mike Jones. Jones, who spent 30 years with the force, announced his departure six weeks after a rebuke by university officials.

While his retirement will take effect at the end of the year, Virginia Tech officials said Jones is using accrued leave and is unlikely to return to the agency. He was placed on administrative leave on May 9 after a number of complaints were lodged against him. A university panel found no evidence of wrongdoing by Jones.

Acting Lodi, N.J., Police Chief Dominick D'Onofrio claims he was "criminally coerced" into resigning on Sept. 7 amid allegations that he failed to take action after investigating an alleged \$500 bribe between a property maintenance inspector and a resident. "He just sat on it," a law enforcement source told The Bergen County Record. D'Onofrio, 56, served 33 years on the force. During the past year, he filled in for Chief Edward Kulkaski, who was recovering from a broken hip. D'Onofrio denied any wrongdoing. "There was no bribery," he said. "It was brought to my attention that there appeared to be some inappropriate behavior. I was asked to make a report and do my job, which I did."

# DNA testing flap looms in Michigan

## Company withholds data on procedures

The refusal by a California company to disclose all information about the DNA testing kits it manufactures, which have been used to process evidence samples in hundreds of criminal cases in Michigan, could result in scores of appeals there should a challenge by defense attorneys in September prove successful.

Although federal guidelines require that companies that produce the kits make public their procedures and how results are obtained, the firm, PE Biosystems of Foster City, is standing firm in its refusal to release information it claims is proprietary. The stance has led trial courts in California, Colorado and Vermont to exclude the company's findings from court cases.

In Michigan, the use of PE Biosystems' product will be decided by three circuit court judges. Should the judges disallow the tests after hearing evidence from defense attorneys and prosecutors, it could set a precedent for circuit court judges throughout the state — and, through the appeal process, wind up before the state's Supreme Court.

At issue is a change made by the Michigan State Police lab approximately two years ago in the type of test they use. The new form of the widely used Perkin-Elmer DNA kit, said Kent County prosecutor Bill Forsyth, allowed them to process evidence more quickly and with greater discrimination in the sense that it can more narrowly identify a suspect. "They also wanted to do it in conformity with what the FBI does," he told Law Enforcement News.

But, in a memo to all county prosecutors that was obtained by The Detroit News, the state Attorney General's Office conceded that current DNA methods at state crime labs do not meet established guidelines. Brian Zubel, an attorney with the Prosecuting Attorneys Coordinating Council of the attorney general's office wrote in the June 30 memo: "The prosecution must first establish that generally acceptable laboratory procedures were followed before DNA evidence is admitted. With this recent revelation, it is clear that this requirement will be difficult, if not impossible, to meet."

Basically, said Forsyth, prosecutors had not been able to show that the tests the state crime labs were performing were scientifically acceptable in a courtroom. "The science hasn't really changed much, that's the frustrating part of this whole thing," he said. "All they're doing is using equipment that allows them to do this quicker. But unfortunately, every time the technology changes, you need one of these hearings."

According to the challenge by the state's defense attorneys, the unwillingness of PE Biosystems to reveal required information hampers their ability to have results independently validated and reviewed. Such details, the defense counsel claim, would provide them with a new tool for disputing DNA evidence on behalf of clients. The issue is particularly per-

tinent to attorneys who disputed such results in previous court cases.

"The company that makes the DNA kits refuses to release how their procedures are obtained — they claim it's proprietary information, trade secrets," Mark Satawa, a Southfield defense attorney, told The News. "That's kind of like Ford Motor Company coming out with a new model and saying, 'OK, we've studied this new car and it's safe. Trust us.'"

In March, Satawa convinced a Genesee circuit judge to bar such evidence. Although the conviction was won through strong circumstantial evidence, Genesee assistant prosecutor Richmond Riggs said that had he only DNA evidence to rely on, the case might have gone the other way.

Currently under review is a Saginaw County case in which DNA from a man charged in a sexual assault matched a semen sample found on the victim's underwear with a probability level of one in 137 billion. The prosecutor in the case, Richard King, filed for an adjournment on July 7, however, so that additional testing could be done by another lab.

"I'm not only challenging it, but the assistant prosecutor is questioning it as well," said Birmingham defense attorney Joseph Niskar. "This could not only have an effect on our case, but what about the hundreds of other cases, convictions, that may have been reached through faulty testing?"

PE Biosystems contends that all information about its Perkin-Elmer kit has been disclosed. The only information not revealed are those ingredients which give the company a competitive edge.

Said Jay Rhodes, a spokesman for the company: "We provide a bibliography of 35 articles dealing with the validity of our kits and putting together a users manual. The only information we withhold is the composition of primers used in dyes for testing."

Capt. Richard Lowthian of the State Police forensic science center said that it is not an issue of whether the tests are necessarily unreliable, but rather their admissibility at trial. It would not make sense, he told The News, for the State Police laboratories in East Lansing, Northville and Grand Rapids to continue doing the 400 or so tests performed each year if they cannot be used in court.

However, the process of switching to other companies or private labs whose results would have to be validated would be time consuming. "If we were to switch over to another kit, the soonest we would be able to start using it appears to be about the first of next year," said Lowthian.

The special court hearing was requested by the Prosecuting Attorneys Association of Michigan. "Prosecutors want the issue resolved," Kolenda told The News. "They want a declaration of whether or not such evidence is admissible. DNA is recognized in courts as a sufficiently valid scientific technique and there are fairly strict standards of how such testing is done."

# Making the call: Heavier arms or non-lethal alternatives?

Although experts testifying before a Colorado review committee in September on the Columbine High School massacre recommended that police be more heavily armed when confronting the violence of a school shooting, two less-than-lethal alternatives proved their worth last month when police faced the more common dilemma of a mentally unstable person endangering himself and others.

In Arizona, Gilbert police officers, with assistance from the Maricopa County Sheriff's Department's tactical unit, were able to end a four-hour standoff on Sept. 1 by firing a cork bullet at an armed man whom they believed had his 3-year-old son with him during the incident.

According to Gilbert Det. Jeff Esslinger, the standoff began at 2:45 P.M. when a limousine driver called police saying his passenger told him he wanted to shoot someone inside his home. The man, whose name has not been released, barricaded himself inside his house with a long-range rifle just as hundreds of nearby high school and elementary school children were leaving for the day.

Police and school officials diverted Highland High School students from the area, as well as buses waiting to pick up children from the nearby grade school. A rubber-encased, 3-inch cork round, which travels at speeds of 280 feet per second, was used to subdue the subject.

"The device it is shot out of looks like the old street-sweeper shotgun — it's a very ominous looking tool," he told Law Enforcement News, "but what it does is hit someone with a low-velocity, 3-inch long, 1-inch wide round. It's designed to impact them and drop them to the ground."

Neighbors said the man had lived there with his son for a little more than a year. He was believed to be distraught over a custody battle. Although considered a good neighbor, he caused concern several months ago when residents said he began mowing his lawn and ex-

ercising in the nude.

No child was found when police searched the house, said Esslinger.

Police in Seattle, meanwhile, earned kudos from community leaders last month when they used a new pistol-type M26 Taser to disarm a mentally-unbalanced man with a knife without causing serious injury.

The department bought the device more than a month ago, but until Sept. 7, had used it solely in training. The newest generation of electronic Tasers, the M26 is capable of delivering an incapacitating electric shock from a maximum distance of 21 feet. It fires a pair of metal prongs attached to thin copper wires. Once they hit their mark, the device discharges 50,000 volts of electricity, causing the immediate loss of muscle control in the subject's arms and legs.

A chip near the weapon's grip allows firing data to be downloaded into a computer so that its use can be monitored.

"I'm so impressed with it," said Steve Ward, the SWAT officer who fired the Taser at the 30-year-old Pioneer Square resident last month. The man had refused to drop a green folding knife he was holding to his throat.

A move by Police Chief Gil Kerlikowske to make the \$400 Tasers and two other types of less-than-lethal weapons available to beat officers for the first time was backed by a four-month departmental study of alternatives to lethal force..

The successful use of the Taser during the incident impressed even critics of the department's handling of David John Walker, an African-American man who was fatally shot in April after refusing to drop a steak knife. Walker had robbed a grocery store, then skipped along the sidewalk until confronted by police.

"You can't help but commend them on... moving toward something that we've been asking for all along," Oscar Eason, president of the Seattle branch of the NAACP, told The Seattle

Post-Intelligencer.

But there are some situations, experts contend, in which even greater firepower than normal is needed to neutralize a violent confrontation.

In testimony before the Colorado Governor's Columbine Review Commission on Sept. 8, Larry Glick, executive director of the National Tactical Officers Association, and Sgt. Al Preciado, a SWAT trainer and retired Los Angeles Police Department SWAT supervisor, said that handguns are not enough when first-responders confront a Columbine-type situation involving a large school building.

"What happened out of Columbine came this whole concept of contact/rescue team tactics for police officers," Glick testified, according to a report in The Denver Rocky Mountain News. "They must have the weapons to meet whatever adversary or threat there is."

The average SWAT arrival time, he noted, is about an hour.

Glick urged arming patrol officers with shoulder-fired weapons so they could then form contact teams that would enter buildings under siege, searching out and neutralizing shooters.

Preciado added that responding officers should be trained to form entry teams authorized to use deadly force. They should be armed, he said, with shotguns or rifles.

"We have to react to what we see," said Preciado. "The police officers aren't going to do that unless they are trained to do that and know their department supports that," he told the committee. "The key here is the plan; you need to have a plan."

## Law Enforcement News

Founded 1975

A publication of John Jay College of Criminal Justice, City University of New York. Gerald W. Lynch, President

Marie Simonetti Rosen, Publisher

Peter C. Dodenhoff, Editor/Associate Publisher

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Law Enforcement News is © 2000 and published twice monthly (once monthly during July and August) by LEN Inc. and John Jay College of Criminal Justice, 555 West 57th Street, New York, NY 10019. Telephone: (212) 237-8442. Fax: (212) 237-8486. E-mail: len@jjay.cuny.edu. Subscription rates: \$28 per year (22 issues). Advertising rates available upon request.

Requests for permission to reprint any portion of Law Enforcement News in any form should be addressed to Marie Simonetti Rosen, Publisher. ISSN 0364-1724. Law Enforcement News is available in microform from University Microfilms Inc., 300 North Zeeb Road, Dept. P.R., Ann Arbor, MI 48106.

## Catch-22: You need a computer to get one

The Denmark, S.C., Police Department is caught in a classic Catch-22 situation — it cannot apply online for a local Law Enforcement Block Grant because it does not have a computer, and it cannot get a computer unless it can apply for the \$16,481 grant, which would pay for buying new equipment.

"We're still stubby pencil here," said Chief Joseph Jenkins.

Requiring that the application be completed online, as the U.S. Justice Department has for the past two years, has placed a hurdle before rural police agencies, said Jim Pasco, executive director of the National Fraternal Order of Police.

"There are a heck of a lot of places out there that don't have the technology to know that this is the way they have to do it," he told The Associated Press. "The Internet ought to add to the number of ways to apply rather than become the exclusive way to apply."

According to the National Center for Rural Law Enforcement, an estimated 60 percent of law enforcement agen-

ties nationwide have no Internet connection.

In Winsboro, where neither the town hall nor the police department has Internet access, Officer William Gonzalez completed the application on his home computer. "It's extra money, so I said I'd try," he said.

The situation has caught the attention of state's Republican U.S. senator, Strom Thurmond, who wrote Attorney General Janet Reno and others in September about the online requirement. Thurmond has notified 105 South Carolina law enforcement agencies that are eligible for the funding.

"It is not fair that these organizations are at a disadvantage in seeking federal assistance simply because they do not have easy access to a computer," he wrote.

# Painting a picture of the 'culture of integrity'

Continued from Page 1

and opinion." The methodology did not arouse the type of suspicions on the part of respondents that inquiries about corrupt behavior might have provoked.

By inverting the problem, Klockars noted, talking not about misconduct but about integrity, "people are very willing to talk about it and talk about it in important ways." That conversation, he said, can then be measured "so that it really can contribute to what a police administrator would be obliged to know about his agency."

Of the cases described in the study's survey, there were three categories of perceived seriousness. The four scenarios that were not considered major transgressions by officers included the off-duty operation of an outside security business; receiving free meals; accepting free holiday gifts, and the cover-up of a police drunken-driving accident.

The intermediate level of misconduct, according to officers, included the use of excessive force on a car thief following a foot pursuit, a supervisor who offers time off during holidays in exchange for a tune-up on his personal vehicle and accepting free drinks in return for ignoring a late bar closing.

The three remaining scenarios involved misconduct regarded as very serious, including accepting a cash bribe, stealing money from a found wallet and stealing a watch from a crime scene.

Respondents were asked to evaluate these scenarios on a scale of one through five by answering seven questions, six of which were paired. Two pertained to the seriousness of each case, with one asking that officers' address their own view of the scenario and the other concerning the respondent's perception of the view held by other officers.

The next two questions addressed the severity of discipline — whether the behavior deserved punishment and what that punishment should be. The last set of questions examined officers' willingness to report misconduct, both their own and that of other officers. Question seven asked whether the behavior was a violation of the department's official policy.

The majority of officers surveyed

found the most serious transgression to be the theft of a watch from a crime scene. The penalty for such an act, most said, was dismissal. The same was true for taking a bribe from a speeding motorist.

In seven of the 11 cases, said the study, officers said they believed the discipline that would be imposed was in the "fair" range. But when it came to accepting free meals and discounts,

**Most officers would not feel compelled to report colleagues who accept free meals, discounts or holiday gifts, or who cover up a DUI accident.**

holiday gifts, covering up a DUI accident and excessive force, more than 20 percent of respondents believed their agencies would treat the incidents too harshly.

These acts, said a majority of respondents, would not compel them to report fellow officers. At the same time, an overwhelming number of officers said they would report behavior deemed at an intermediate or high level of seriousness.

In comparing agencies, the study found that while there was little difference in the rank ordering of the seriousness of the scenarios, significant discrepancies could be found between an agency that ranked eighth in the study's level of integrity and one ranked in a five-way tie at 24th.

Referred to as Agency 2 and Agency 23, the study found that estimates of offense seriousness were consistently higher for the department with greater resistance to corruption. The differences were especially striking in three of the scenarios: auto repair shop kickback; drinks to ignore a late bar closing, and excessive force.

"Police officers from Agency 2 evaluated each of these cases as substantially more serious than did officers from Agency 23," said the study.

## Tests of integrity: 11 scenarios

**Case 1.** A police officer runs his own private business in which he sells and installs security devices, such as alarms, special locks, etc. He does this work during his off-duty hours.

**Case 2.** A police officer routinely accepts free meals, cigarettes and other items of small value from merchants on his beat. He does not solicit these gifts and is careful not to abuse the generosity of those who give gifts to him.

**Case 3.** A police officer stops a motorist for speeding. The officer agrees to accept a personal gift of half of the amount of the fine in exchange for not issuing a citation.

**Case 4.** A police officer is widely liked in the community, and on holidays local merchants and restaurant and bar owners show their appreciation for his attention by giving him gifts of food and liquor.

**Case 5.** A police officer discovers a burglary of a jewelry shop. The display cases are smashed, and it is

obvious that many items have been taken. While searching the shop, he takes a watch, worth about two days' pay for that officer. He reports that the watch had been stolen during the burglary.

**Case 6.** A police officer has a private arrangement with a local auto body shop to refer the owners of cars damaged in accidents to the shop. In exchange for each referral, he receives payment of 5 percent of the repair bill from the owner.

**Case 7.** A police officer, who happens to be a very good auto mechanic, is scheduled to work during coming holidays. A supervisor offers to give him these days off, if he agrees to tune up his supervisor's personal car. Evaluate the supervisor's behavior.

**Case 8.** At 2:00 A.M., a police officer, who is on duty, is driving his patrol car on a deserted road. He sees a vehicle that has been driven off the road and is stuck in a ditch. He approaches the vehicle and observes that the driver is not hurt but is obviously intoxicated. He also finds that the driver is a police

officer. Instead of reporting this accident and offense, he transports the driver to his home.

**Case 9.** A police officer finds a bar on his beat that is still serving drinks a half-hour past its legal closing time. Instead of reporting this violation, the police officer agrees to accept a couple of free drinks from the owner.

**Case 10.** Two police officers on foot patrol surprise a man who is attempting to break into an automobile. The man flees. They chase him for about two blocks before apprehending him by tackling him and wrestling him to the ground. After he is under control, both officers punch him a couple of times in the stomach as punishment for fleeing and resisting.

**Case 11.** A police officer finds a wallet in a parking lot. It contains an amount of money equivalent to a full day's pay for that officer. He reports the wallet as lost property but keeps the money for himself.

4 and 8). Officers from Agency 2 reported that they and their colleagues would report the behavior described in the seven other cases."

But in Agency 23, there was no ease that the majority of officers indicated they would report. "In sum, while The Code is under control in Agency 2, it remains a powerful influence in Agency 23, providing an environment in which corrupt behavior can flourish," said the study.

As defined by researchers, The Code is one of four dimensions of corruption, that informally prohibit or discourage police from informing superiors of misconduct. The other three dimensions are identified as organizational rules by which corrupt activities are established and communicated;

prevention and control mechanisms, the wide range of strategies agencies initiate to control misconduct; and public expectations, which the study said can exert vastly different pressures on departments in different jurisdictions.

"In general, you can get a pretty good picture of the culture of integrity in the department by measuring [those] three things: seriousness by which offenses are judged, support for discipline and willingness to blow the whistle when they see it," Klockars told LEN. "What we find is the ability to predict the other two is very high. If you tell me your view of it is serious, I'll also predict your willingness to punish it very seriously and come forward and blow the whistle."

## No free (or discounted) lunch for Bradenton cops

After the firing of an officer for taking food and other items from local merchants, the Bradenton, Fla., Police Department established a policy in September that prohibits sworn personnel from accepting any discounted meals offered by restaurant owners.

The order came from Mayor Wayne Poston, who said he did not want any appearance of impropriety. An internal memo issued by Police Chief Dan Thorpe said, "The purpose of this directive is to establish a higher level of integrity and enhance the image of the Bradenton Police Department and its members."

According to Capt. Jeffrey J. Lewis, investigators found that Officer Keith Dennis had not so much abused a policy allowing officers to accept small gratuities such as a fountain drink, but outright stole these items. Records show that Dennis never paid for a cigar, a

sandwich, a magazine and other goods from 7-Eleven store.

"He would go into the humidor and get a cigar, or take a bottle of Gatorade and tell the clerk, 'I don't have any cash on me now, I'll catch you tomorrow,'" Lewis told Law Enforcement News. "Well, there's a different clerk working the next day, and he would never pay it back."

The department's policy had been that if merchants offered discounted meals with no solicitation on the part of police, then it was all right to accept that generosity. It had been a considered a perk, said Lewis, by officers who make approximately \$22,000 a year.

"It was definitely important to officers and it was important to business owners, as well, because they liked to have the presence of the uniformed officer in their establishment eating," he said. "It really had worked both ways."



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# Protecting kids from the Internet & more

Programs aimed at teaching youngsters the safe use of the Internet, curtailing truancy, helping juveniles deal with nascent drug and alcohol problems, and reducing school bullying have all been added to the roster of responsibilities assumed by state and local police departments in a number of locations this year.

## Trouble on line

In Illinois, presentations by law enforcement agencies range from an activities book produced by the Mundelein Police Department and a specialized school curriculum which the State Police designed and will bring to schools early next year.

Despite the increased attention given by police to teaching Internet safety, there are still youths who are too willing to give up their names, addresses and telephone numbers in exchange for the promise of free merchandise, said State Police Capt. Gary Ashby who works with a computer crime unit.

A 37-year-old Northfield man was arrested in July by the Lake County Sheriff's Department after setting up a sexual rendezvous via a chat room with an undercover officer who he believed was a boy. Two months prior to that, in neighboring McHenry County, a 35-year-old Island Lake man was sentenced to 6½ years in prison after admitting to sexually abusing three boys, one of whom he met online.

It is not enough to just tell children frightening stories about predators on the Internet, said Ashby. In fact, that approach can backfire. But hearing about the Internet's "seedier side" from law enforcement, he told The Chicago Daily Herald, can be more effective than reading about it in a technology handbook.

"There's still a lot of the younger generation who respect police officers and educators," said Ashby.

In Mundelein and Gurnee, both in Lake County, police teach about the dangers — and the benefits — of the Internet while instructing children on personal safety. Mundelein Police Chief Raymond Rose said that past mistakes, such as using scare tactics when teaching children about the dangers of drug use, have taught police to

take a more cautious approach in safety presentations about the Internet.

"You really can do yourself damage instead of being effective and accomplishing what we're trying to accomplish," he told The Daily Herald.

Children in Mundelein are given a book by the department called "Play it Safe on the Internet." Police are also on hand to answer questions and pro-

**"Ultimately, we're  
in it because  
we want to  
prevent violence."**

vide tips, such as never agreeing to meet anyone they encounter online.

In Gurnee, where there is no program dealing solely with online safety, Deputy Police Chief Henry Schwarz told The Daily Herald that his officers "cover everything that's basically unhealthy" about the Internet.

## Missing in action

Police in Arlington, Texas, are tackling another nagging youth-related problem — truancy — with a pilot project that calls for officers to visit the homes of chronically absent teenagers and bring those found in public during school hours back to school.

The program, called Partners Against Chronic Truancy (PACT), is credited with raising attendance at Sam Houston High School from its level during the 1998-1999 school year of 90.3 percent to 93.4 percent last year. The increase marks an improvement three times that achieved by other schools during that period. The program has proven itself so successful, in fact, that school trustees were told in September that it would be expanded to include other high schools.

"We are very proud of it," said Lieut. Lisa Womack, the project's coordinator.

## Diversionary tactics

In Orange County, Calif., a program launched by the sheriff's department is offering first-time drug offenders the

opportunity to enter a diversion program rather than face juvenile court. The difference, advocates contend, is the initiative's strong emphasis on repairing the bonds between youths and their parents.

Since March, 57 juveniles have attended Stop Short of Addiction. Its launch by deputies was prompted by an increase in the number drug-related crimes over the past decade and by what sheriff's officials described as the frustration of not being able to help many of the youths with serious addiction problems.

The program provides offenders as well as juveniles referred by their parents with intensive substance-abuse counseling sessions, where they are lectured by recovering addicts and law-enforcement officials on the risks of drug use. Those who fail to submit to drug testing or refuse to attend the classes could face juvenile court. Social workers evaluate each youngster, referring those with serious drug and alcohol problems to further treatment.

Under Stop Short, parents and children are encouraged to confront the issues surrounding the substance abuse. Margie Diaz, a social worker who runs the program, said it is emotionally draining for many of the parents, who do not realize how serious their youngster's drug problems are. One parent whose 17-year-old son was caught in August with a small plastic bag of marijuana told The Los Angeles Times that the program was a "true wake-up call" for her son.

Said Sheriff's Sgt. Roger Neumeister, who oversees the program: "We have kids we encounter who say, 'I've got a problem. What should I do?'" The program, he told The Times, serves as a "front door" for resolving many of these issues.

## Bully pulpit

Police and educators in Leawood and other Kansas cities are taking on the issue of school bullying with the Kansas Bullying Prevention Program, a training initiative funded by the Governor's office. In the past year, Leawood police planning Officer Randy Wiler has taught more than 200 instructors in Johnson County and across the state proven bullying-preven-

tion techniques developed by Dr. Dan Olweus at the University of Bergen in Norway.

"He developed a program that is pretty much used around the world," Wiler told Law Enforcement News. The program has been evaluated by the University of Colorado in Boulder as one of just 10 found to reduce violence, and the only one aimed at preventing bullying. Schools that implemented the protocol, he said, were found to have a 40 percent to 50 percent reduction rate in such behavior within the first two years.

"That is what we are replicating here in Kansas," said Wiler.

In 1993, Wiler's own son was bullied and the abuse not recognized in school. "I felt that as a parent I had missed it, and that teachers were missing it also," he said. "The purpose of my involvement was to help teachers

spot it and how to deal with it."

One of the tenets of the program, said Wiler, is intervention by teachers when they see bullying behavior. Incidents and the discipline they elicit are documented so that the level of punishment for such behavior remains consistent, he said. Students might be sent to a room to calm down or counseled about their actions. A plan may be developed by both the student and the counselor, said Wiler, to prevent bullying behavior from recurring. Parents are also involved, being called when an incident has been documented.

"Ultimately, we're in it because we want to prevent violence," he said of the police department's involvement. "The bottom line is that bullying is one of those behaviors that can be directly connected, I think, to violent behavior. That's based on the crime statistics of those kids who bully."

## Police Chief

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# Shakedown breakup: Sting nails cops extorting immigrants

Chicago Police Superintendent Terry Hilliard has stripped seven officers of their police powers pending an internal investigation into charges that they had lain in wait outside of taverns catering to Polish immigrants and demanded bribes during traffic stops.

The seven, along with as many as five others, were captured on videotape during a two-year FBI sting operation prompted by a barrage of complaints to the Polish National Alliance.

"In most cases, they have them dead to rights," Fraternal Order of Police president Bill Nolan told The Chicago Sun-Times. "They were under video surveillance while making traffic stops and accosting patrons leaving taverns. They had agents posing as Polish immigrants. They have some on audio and videotape."

The discovery of tracking devices

and possibly electronic listening devices in two cruisers may have cut short the department's own probe, said local news sources. Although in the aftermath of the discovery of the surveillance tools Nolan had accused the city of casting a wide net in its search for dirty officers, he later said: "We are saddened that, once again, the Police Department has to be painted with a brush of corruption because of officers who evidently didn't have the courage or the character to wear the badge we're all proud to wear."

The incidents allegedly took place along the Belmont Avenue commercial strip, a borderline between the Jefferson Park and Grand Central police districts which caters to Polish immigrants. Nolan said that some of the officers involved had created a "shakedown ring" while assigned to the Grand Central

District. They continued taking bribes after being transferred to Jefferson Park, he said.

According to one merchant, police had shaken him down for \$70,000. Another claimed to have been robbed of between \$18,000 and \$20,000. Sources said the officers had apparently waited outside of taverns on Belmont and Milwaukee Avenues, then followed immigrants to their cars, either demanding payment on the street, or pulling them over and telling them to "empty their pockets."

Some of those patrons turned out to be FBI agents.

"That's what always happens," Mayor Richard M. Daley told The Sun-Times. "You pick on the less fortunate. You pick on the poor. You pick on the elderly. You pick on, many times, new immigrants."

# White extremist group hit for a lot of green

A jury in Coeur D'Alene, Idaho, last month meted out a multimillion-dollar damage award against white supremacist Richard Butler and his Aryan Nations organization for negligence in training and supervising two security guards who assaulted a woman and her son two years ago.

The award is seen as large enough

to bankrupt the neo-Nazi organization.

Jurors on Sept. 7 awarded punitive damages of \$6.3 million, with an additional \$300,000 in compensatory damages to Victoria Keenan, 44, and her son, Jason, 21, who were chased, shot at and beaten when their car was hijacked near the Aryan Nations' headquarters in Hayden Lake in July 1998. The pair

had stopped to search for a wallet that was dropped near the compound's entrance.

Their case was handled by the Southern Poverty Law Center, which has pioneered the strategy of obtaining civil judgments to break up white supremacist organizations. In 1987, civil rights attorney Morris Dees, who ar-

gued the current case for the Keenans, won a \$7-million judgment against a Ku Klux Klan branch in connection with the slaying of a black man in Mobile, Ala. The group was forced to turn over its assets. Three years later, Dees won a \$9-million verdict against the White Aryan Resistance, members of which had beaten to death an African

American in Portland, Ore.

"We intend to enforce this *verdict*," Dees said of the Aryan Nations et al. "We intend to take every single asset from the Aryan Nations now and forever. We intend to even take the name 'Aryan Nations' and hopefully, through the judicial process, close that sad chapter in this nation's history," he said at a news conference reported by The Associated Press.

The Kootenai County Sheriff's Department was given an order signed by the clerk of the 1st District Court on Sept. 12 to seize the group's 20-acre compound. But defense attorney Edgar Steele has filed a post-trial motion asking Judge Charles Hosack to reduce the damages award and order a new trial. Steele argued that jurors had already made up their minds about the case before deliberations.

Should Steele's request for a new trial be denied by Hosack, Butler would have 54 days to file an appeal. That course of action, however, would cost \$900,000, or 10 percent of the \$9-million appeal bond required by state law. Butler said he does not have the money. A hearing was set for Oct. 13 for Butler to testify under oath about his assets.



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## Endangered species: detectives

Continued from Page 1  
for a rookie up to \$41,995 for an officer with 10 years experience.

"The whole idea is to move investigation, with community oriented policing, out into the street," said Zahn. "So that's where we're going with it."

The Iowa City Police Department eliminated its detective classification at least a decade ago, said Chief R.J. Winkelhake. Prior to the restructuring, he told LEN, detectives stayed in that position until they were "promoted, resigned or died."

In 1989, Winkelhake began assigning officers on a rotating basis into investigations. Every year, a certain number of positions open up and personnel are free to apply for them. One is rotated every year, and the rest staggered so that they may become available every four or five years. After a rotation, said Winkelhake, officers are expected to return to the field, where they can apply for another position.

"My motivation was simply that we have a pool of talented police officers who would never have the opportunity to do something other than patrol work and not experience what it means to investigate crimes, he responsible for carrying it through to a successful conclusion," he said. "I think that's something that carries over into the job as a patrol officer."

Moreover, it gives both investigators and patrol officers the chance to walk in the other person's shoes. "You always hear this stuff that detectives never do anything and detectives always complain about how dumb patrol is because they're not doing enough," said Winkelhake. "Well, this gives you a chance to see both sides of that coin and in the long run it makes for a better police officer."

*Oliver:*

## The drug war is exacting a terrible price

By Jerry Oliver

With each massive drug seizure, evidence mounts that this country is sadly losing the war on drugs - not to drug cartels or drug traffickers over there but to the dependably relentless appetite for illegal drugs created by our neighbors right here at home. Eighty-six years after Congress passed the 1914 Harrison Act that criminalized drugs, America's drug consumption thrives. Our nation's premier drug-war strategy of more police, more interdiction, and more incarceration is failing and the trajectory continues downward.

Our strategy calls for more police presence on our nation's streets. Drug-law enforcement, however, is a very difficult proposition at all levels. Drug violations are generally consensual. In almost every case, willing buyers and willing sellers participate secretly in this highly profitable criminalized industry.

So in order for police — federal or otherwise — to do their jobs they must snoop, spy, sniff, sneak, and covertly surveil in order to snag drug quantities, drug traffickers, or drug users. Most of the snooping, sneaking, and snagging is done primarily through the use of informants — people who use their own criminal status or position to gain some benefit from the police by trading information.

It is a dangerous, dirty business, chock full of espionage, deceit, lies, and double-

crosses. I am concerned about what this side of the police business is doing to other sides of our profession ethically and morally.

We need only to look at the LAPD's current Rampart scandal for a salient example. We put our integrity, our hard-earned community trust, and our credibility at risk when police stoop to snooping on fellow Americans over drugs.

I am concerned about the billions of dollars

largest drug haul in history, with street values estimated at up to \$20 billion. What is really even more astounding about a seizure of this size is the non-effect it had on the street price of a usable quantity of cocaine.

During the weeks afterward the price per unit of cocaine actually dropped to the lowest levels ever in the L.A. area instead of rising, as one would expect because of market forces.

[Drug enforcement] is a dangerous, dirty business, full of espionage, deceit, lies and double-crosses. I am concerned about what this side of the police business is doing to other sides of our profession ethically and morally.

spent every year by our nation's police in attempting to eradicate or intercept illegal drug shipments to our country. These billions might be better spent on demand reduction, prevention, treatment, education, community-building, and supporting families. Federal agencies spend countless hours tracking planes, boats, trains, and other vehicles transporting cocaine, heroin, and marijuana earmarked for the U.S. market. These agencies and others have scored many widely publicized successes in detection, eradication, seizures, and arrests both in foreign countries and within our borders.

A few years ago, drug agents in Los Angeles seized nearly 20 tons of cocaine and more than \$10 million in cash in what was called the

This simply indicates that the nation is awash in cocaine and other illegal drugs and that even a mammoth seizure such as this one is just a drop in the proverbial bucket.

I am also concerned about the "business" of drug-crime incarcerations in our country. It really is big business, composed of hundreds of thousands of law-enforcement and prison officials, drug courts, private and public prisons, anti-drug organizations, drug-testing labs, clearinghouses, and many others who benefit economically and politically from this ever-growing bounty.

Our lock-ups at all levels are fuller today than ever before. In 1980, approximately 50,000 people were behind bars for violating drug laws.

Today, because of aggressive policing, prosecution, and mandatory sentences, that number is approaching 500,000. Warehousing people is one of the fastest growing and most profitable businesses in our country—all supported by taxpayer dollars.

So it appears our rigid anti-drug strategy and our punitive prohibition efforts are failing. Former Secretary of State George Schultz said recently that any real and lasting change that occurs in a democratic society is done through education and persuasion and not through coercion and force. Perhaps it's time to heed his sage advice and search for alternative approaches to our current drug-control strategies that will be more effective, fair, and humane in reducing drug usage and drug dependency; that will emphasize treatment, prevention, and education; and that will rely on our social and health systems more than on our criminal-justice systems.

A growing number of thoughtful Americans across the political spectrum have strong doubts about the efficacy of the current drug war, its costs, its true impact, and its future consequences. They want to rethink our direction and possibilities. As a police officer on the front line, quite frankly I'm one of them.

(Jerry Oliver is Police Chief of Richmond, Va. His comments originally appeared in *The Richmond Times Dispatch*.)

**Wells:**

## A serious crime we're not very serious about

By Joseph T. Wells

Have you ever been robbed? Luckily, most of us haven't. And even if you're among the unfortunate victims, the good news is you're safer than ever before. The National Crime Victimization Survey, administered each year by the Department of Justice, reports that burglaries are down, thefts of motor vehicles are down, and there are fewer muggings and purse-snatchings today than there were a quarter-century ago. Since the survey's inauguration in 1973, burglaries have been reduced by two-thirds (to roughly 34 households per 1,000); the number of motor-vehicle thefts today is about half the rate in 1973.

Our property is safer, and Americans are also less likely than ever to be hurt or killed by criminals. The FBI's Uniform Crime Report tells us that what the bureau calls serious crimes — murder, assault, burglary, robbery, rape, larceny, arson and auto theft — are all in decline.

Next question: Have you ever been cheated or conned, or lost money to someone working for you? Nearly everyone has. The FBI's serious crimes index, which does not include fraud, is steadily falling. But there is every indication that the number of scams, swindles and business frauds is going through the roof.

Dollars and cents tell the story. The DoJ estimated losses to property crimes in 1998 at \$15.4 billion. Fraud losses make that look like chump change.

Telemarketing fraud costs about \$40 billion annually;

Health-care fraud drains the economy of \$30 billion a year, according to the National Health Care Anti-Fraud Association,

The annual cost of economic espionage, according to the American Society of Industrial Security, is \$50 billion;

The FBI estimates fraud losses in residential mortgage loans and refinancing packages to be

**"We don't really know how bad the [fraud] problem is because fraud does not count as a serious crime. But it's clear that our economy is being plundered by economic pirates."**

\$60 billion annually;

As much as 10 percent of commercial transactions on the Internet are fraudulent, according to the Internet Fraud Prevention Advisory Council;

A survey of certified fraud examiners put the cost of fraud committed by employees against businesses at 6 percent of America's gross domestic product — over \$400 billion annually. That's 25 times the cost of street crime.

We don't really know how bad the problem is because fraud does not count as a serious crime. But it's clear that our economy is being plundered by economic pirates.

There are several reasons why no agencies — federal, state or local — track fraud in their data. For starters, the present categories were established long before we recognized the seriousness of white-collar crime. And, unlike street crimes, fraud often remains hidden. Many victims of con artists feel foolish, so they don't report the offense. A survey by the National White-Collar Crime Center found that only about 7 percent of fraud victims reported the crime against them.

It's also hard for the government to collect the right data because state fraud statutes vary widely. This makes comparing similar crimes and estimating their true costs difficult.

The third reason official crime statistics don't include white-collar crime is simply because many offenses, large and small, are never uncovered. We all know when the business has been robbed

by an outsider. But when the crook is an insider, his thefts are much easier to conceal. Those who are detected are often not turned over to the authorities unless the matter becomes public.

For example, disbarred stockbroker Martin Frankel allegedly embezzled \$250 million from Southern insurance companies. Last summer he led authorities on an international game of hide-and-seek; now he sits in a German prison, convicted of customs violations, hoping not to be extradited home. An installment on the NBC show "Dateline" reported that a Catholic priest confessed on his deathbed that he'd been stealing from the church collection baskets for 25 years, amassing \$1.3 million. In August, the Rite-Aid Corporation admitted to booking \$1 billion worth of phony earnings. And some of the nation's largest insurers, including Met Life and Prudential, have recently settled charges that they stole hundreds of millions from their customers through "abusive sales practices."

If these aren't serious crimes, what are? One

reason street crimes are down is criminals have figured out that you don't make the serious money by sticking up tourists or hot-wiring sports cars. You get the big bucks by hawking worthless stocks on the Internet, doctoring Medicare claims and creating phony vendors in your employer's Accounts Payable software.

We ought to learn from the bad guys on this one. Let's classify economic crimes in the federal list of serious crimes, so we collect better data and coordinate the efforts of the various enforcement and prevention agencies that deal with these offenses. Let's get serious about fraud. Then we can all know what "serious crime" really is.

Joseph T. Wells, CFE, CPA, is a former FBI agent, and founder and chairman of the 25,000-member Association of Certified Fraud Examiners, based in Austin, Texas. The author of "Frankenstein's of Fraud: The Top Ten White-Collar Criminals of the 20th Century," Wells can be reached at joe@cfenet.com.

### Note to Readers:

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Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.

# DoJ has its hands full with Ohio PDs

While the Justice Department opened a probe of local police in one Ohio city last month, federal lawmakers are challenging a magistrate's recommendation on what DoJ needs to win its civil-rights lawsuit against police in another.

Earlier this year, 21 cases of alleged misconduct by Cleveland police officers were sent to the FBI with a request by Mayor Michael R. White that the agency investigate the police department for alleged organized racist activity. It is unclear whether those cases led to the civil rights probe launched by the Justice Department in September. However, no conclusive proof of organized racism was found by the bureau.

"They wouldn't tell us who invited them, but I have a pretty good idea," said Bob Beck, president of the Cleveland Police Patrolmen's Association. "I believe it's a waste of time, but we'll deal with it." Beck suggested to The Cleveland Plain Dealer that investigators looking for corruption begin at the mayor's office.

White had angered officers in August 1999 when he allowed marchers in a Ku Klux Klan rally to change into their hoods and sheets in the basement of police headquarters. While tempers

flared over the decision, the Mayor then announced that he had three credible reports from an unnamed source that Nazi insignia was scrawled in three of the city's station houses. Cryptic symbols of hate group activity were used, such as "chaos," "Elvis," and "311."

But an internal report on the department's exhaustive eight-month probe of the matter, released in March, found neither "Elvis" nor "chaos" to be names associated with racism. There was also no way of telling whether swastikas scratched into the walls and lockers at the stations were made by officers or the public, it said.

The idea that "Elvis" was a symbol for racism, said police investigators, apparently stemmed from a 6th District officer's tattoo of Elvis Presley. The officer and his brother had been accused of keeping Nazi materials in their lockers. While no link was found, the belief persisted, said the report, because posters of Elvis Presley began appearing around the station. [See LEN, March 21, 2000.]

During the last two weeks of August, federal investigators questioned Police Chief Martin Flask, telling the police union that the probe could take as long as a year to 18 months. Said

DoJ spokesperson Karen Peterman: "This investigation is in its initial stages. We don't go into these investigations thinking that we are going to find something or that we won't find anything."

Meanwhile, 14 Democratic members of Congress from outside of Ohio challenged a magistrate's recommendation in September which, should it be accepted by a federal judge, would sharply raise the burden of proof for the DoJ in its civil rights lawsuit against the city of Columbus and its police union, the Fraternal Order of Police.

In a 21-page recommendation, Magistrate Norah McCann King wrote that for the federal government to prevail, it needed to prove that municipal and department officials condoned violations by individual officers through action or inaction. Proving that individual officers were guilty of civil-rights violations, she wrote, was not enough.

King's recommendation to U.S. District Judge John D. Holschuh fits neatly into arguments by city and police officials who contend that isolated acts by individual officers do not constitute a "pattern or practice" of misconduct. King's recommendation has been hailed as a significant victory by attorneys for

Columbus and the police, according to The Columbus Dispatch.

A lawsuit was filed by the Justice Department on Oct. 21, 1999, accusing officers of making false arrests, conducting illegal searches and the excessive use of force during a six-year period. The DoJ is asking for at least three outside monitors who would oversee training, staffing and internal affairs investigations.

But in a motion filed on Sept. 6 in federal court, members of Congress sought permission to file a friend-of-the-court brief on the DoJ's side. King is wrong, said the representatives, all of whom were co-sponsors of a 1994 law that allows the Justice Department to sue municipalities if it believes its police officers are violating citizens' rights. The statute assumes that city officials can "almost invariably" do something to stop a pattern of "lawless abuses by police."

ness among its subordinates," according to the lawmakers' motion.

Columbus officials, said lawmakers, are liable if the DoJ can show that individual officers routinely violated people's civil rights.

The lawmakers include Representatives John Conyers Jr. and Carolyn C. Kilpatrick of Michigan; Howard L. Berman, Zoe Lofgren, Juanita Millender-McDonald and Maxine Waters of California; Danny K. Davis of Illinois; William D. Delahunt of Massachusetts; Harold E. Ford Jr. of Tennessee; Sheila Jackson-Lee of Texas; Gregory W. Meeks and Edolphus Towns of New York; Donald M. Payne of New Jersey, and Melvin L. Watt of North Carolina.

Columbus is the first city in the nation to challenge a Justice Department suit alleging a pattern of civil-rights abuses by police.

## Asset-seizure could be double jeopardy

New Mexico's judges, prosecutors and defense attorneys are in a quandary over how to proceed with drug-dealing cases that involve forfeiture in accordance with a state supreme court ruling that said the seizure of assets in addition to a criminal conviction created double jeopardy.

In State vs. Nunez last year, the court ordered in a 3-2 decision that criminal charges and civil forfeitures be dealt with in a "single bifurcated proceeding" as a way of satisfying the state's constitutional requirements and not punishing someone twice for the same crime.

But the court did not outline any procedures for how that was to be accomplished. Among the questions raised by the ruling is whether civil and criminal rules apply in such a procedure and whether there should be a different burden of proof for each. Also, whether a jury would have to hear the criminal and civil sides of a case separately, or decide just the criminal verdict and leave the forfeiture issue for the judge in a nonjury trial. There is speculation, as well, as to whether a judge can handle the seizure issue as part of the punishment phase of the trial if the defendant is convicted. And state law bars public defenders from defending clients in civil proceedings.

The first test of the new ruling was expected to be the Aug. 21 trial of Michael Anthony Romero on charges of aggravated battery on a peace officer, cocaine trafficking and conspiracy. The seizure of the defendant's cellular

phone and some \$16,000 by Albuquerque police was overturned by state District Judge Robert Thompson on Aug. 3 by the city's own request. Prosecutors have asked Chief District Judge W. John Brennan to consolidate the case's civil and criminal proceedings.

The defense in the Romero case has asked that criminal charges be dropped due to double jeopardy.

## Who gets the assets cops seize?

**Continued from Page 1**  
in the face of heavy opposition by police, they said, but as the country's most populous state, passage of such a bill in California is sure to draw the attention of legislators elsewhere.

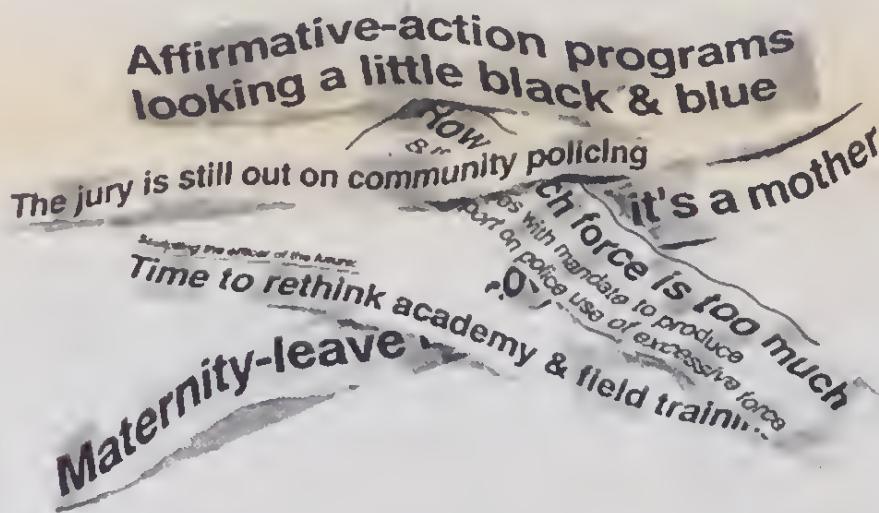
In Kansas, state Representative Ralph Tanner, a Baldwin City Republican, told The Kansas City Star that he is drafting a bill to be introduced in the next session which would redirect money away from law enforcement and into education. Similar efforts are afoot in Utah, which has a voter initiative on the November ballot that would require a judge's approval to transfer drug money to a federal agency. In Missouri, legislators said they are hopeful that a forfeiture bill which failed last spring under intense lobbying pressure from police groups would pass early next year.

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**Law Enforcement News**

(101500)

*A publication of John Jay College of Criminal Justice/CUNY*

# Upcoming Events

## DECEMBER

**4-6. Police Traffic Laser Instructor/Operator.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$395.

**4-8. Interviewing Child Victims & Suspects.** Presented by the Delinquency Control Institute. San Francisco (Millbrae).

**4-8. VIP Protection.** Presented by the Security Management Institute New York. \$600.

**4-8. Seminar for the Field Training Officer.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

**4-8. Developing Law Enforcement Managers.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525

**4-8. Computerized Collision Diagramming.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$795.

**4-8. Law Enforcement Ethics Train-the-Trainer.** Presented by the Southwestern Law Enforcement Institute. Fort Lauderdale, Fla. \$495.

**5-6. Use of Force Instructor Course.** Presented by the National Criminal Justice Training Council. Jacksonville, Fla. \$350

**5-7. Street Survival 2000.** Presented by Calibre Press. Las Vegas. \$199

**6-8. Preying on the Soul: Stalking Inves-**

tigations. Presented by the Public Safety Institute. Orlando, Fla. \$425.

**6-8. Undercover, Covert & Sensitive Operations.** Presented by the Public Safety Institute. Orlando, Fla. \$395

**6-9. 5th Annual International CPTED Conference.** Presented by the International CPTED Association. Oakland, Calif. \$350.

**9-12. 4th Annual International Crime Mapping Research Conference.** Presented by Institute for Law and Justice, for the National Institute of Justice Crime Mapping Research Center. San Diego.

**11-13. Tactical Operations Command.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$395

**11-13. Police Recruitment, Selection, Mentoring & Retention.** Presented by the Public Safety Institute. Orlando, Fla. \$525.

**11-15. Law Enforcement Ethics Train-the-Trainer.** Presented by the Southwestern Law Enforcement Institute. Dallas. \$495.

**11-15. Drug Unit Commander.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

**11-15. Advanced Techniques for Unresolved Death Investigations.** Presented by the Institute of Police Technology & Management. St. Petersburg, Fla. \$550.

**12-14. Street Survival 2000.** Presented by Calibre Press. Myrtle Beach, S.C. \$199

**13-15. Harnessing the Internet Pedophile.** Presented by the Public Safety Institute. Orlando, Fla. \$425.

## JANUARY 2001

**8-10. Interview Development.** Presented by the Public Safety Institute. Orlando, Fla. \$425.

**9-Feb. 16. Program in Delinquency Control.** Presented by the Delinquency Control Institute. Los Angeles. \$4,800.

**9-10. Newly Promoted Supervisors.** Presented by the Public Safety Institute. Orlando, Fla. \$295

**10-12. Intelligence Acquisition & Analysis.** Presented by the Public Safety Institute. Orlando, Fla. \$425

**15-16. Executive/VIP Protection.** Presented by the Executive Protection Institute. New York. \$395.

**16-17. Hardball Budgeting.** Presented by the New England Institute of Law Enforcement Management. Wellesley, Mass.

**16-18. Officers at High Risk: Pre- & Post-Employment.** Presented by the Public Safety Institute. Orlando, Fla. \$425

**16-18. Crime Prevention: What Works, What Doesn't & What's Promising.** Presented by the Public Safety Institute. Orlando, Fla. \$425.

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## Portsmouth PD may be cut off from Virginia crime data base

Auditors from the Virginia State Police have told the Portsmouth Police Department to correct at least three serious errors in the agency's reporting of wanted persons, wanted vehicles and missing persons, or else risk being barred from entering modifying data into both state and federal crime information networks.

The errors, discovered during a review in June, found the department had error rates in those categories well above the 20 percent allowed. For wanted persons, Portsmouth was 100 percent out of compliance. The wanted vehicles category showed an error rate of 45 percent, and missing persons was off by 42 percent.

In a letter to the department dated Aug. 17, state police Capt. Stephen D. Childress told Portsmouth Police Chief Leonard G. Cooke that the errant

record-keeping could affect "officer safety nationwide" by causing police to overlook wanted criminals walking the streets. It could also lead to innocent people being stopped and stolen vehicles going untracked, he wrote.

"Courts are consistently ruling that a criminal justice agency has a duty to maintain accurate, complete and up-to-date records," Childress wrote.

The problems were discovered in the information the agency had sent to the National Crime Information Center and the Virginia Criminal Information Network. Auditors said they found none of the nine "wanted persons" entries chosen at random to be in compliance. Three were listed by the department without any documentation state police could find to justify the entry, and information on another three was incorrect or incomplete. Moreover, en-

tries submitted by the Portsmouth police on missing persons and criminal histories were also found to be wrong or missing information.

In order for the department to be in compliance by the time state police conduct an "integrity audit" in October, the department must have an overall accuracy rating of 85 percent with no serious record-keeping errors. In each individual area, there must be a minimum accuracy rating of 80 percent.

Cooke said that two new people had been added to the unit and some restructuring of personnel had been done to rectify the problem. "I'm confident with the addition of new staff and the quality-control measures in place that not only will we be able to meet this next audit, but deal with the challenges in the future," he told The (Norfolk) Virginian-Pilot.

# Law Enforcement News

A publication of John Jay College of Criminal Justice/CUNY

Vol. XXVI, No. 541

October 15, 2000



## Seized assets: Who gets the bounty?

Follow the simmering dispute, on Page 1.

Gauging your department's culture of integrity" — it's not as tough as it sounds. Page 1.

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### What They Are Saying:

"A growing number of thoughtful Americans have strong doubts about the efficacy of the current drug war. . . . As a police officer on the front line, quite frankly I'm one of them."

— Richmond, Va., Police Chief Jerry Oliver, on the costs and consequences of the current approach to fighting drug abuse.  
*(Forum, Page 9.)*